



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 1, 2023

OFFICE OF
RESEARCH AND DEVELOPMENT

MEMORANDUM

TO: Michael S. Regan
Administrator

Janet McCabe
Deputy Administrator

FROM: H. Christopher Frey
Assistant Administrator for Research and Development

SUBJECT: Updated Recusal Statement

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and have been advised about my ethics obligations. This memorandum updates my initial recusal statement dated May 11, 2021, to document changes in my outside business relationships and to remove certain recusals under the Biden Ethics Pledge that have now expired.

FINANCIAL CONFLICTS OF INTEREST

As required by the criminal financial conflict of interest law, 18 U.S.C. § 208(a), I may not participate personally and substantially in any particular matter having a direct and predictable effect on my financial interests, or the financial interests of a person or entity whose financial interests are imputed to me, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption as outlined in 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: my spouse and minor child; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner, or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

OGC/Ethics advises me that I have a continuing financial interest in **North Carolina State University (NC State)** from which I have extended my current, unpaid leave of absence for an additional two years, or until **January 31, 2025**. Therefore, I continue to be recused from participating personally and substantially in any particular matter that, to my knowledge, has a direct and predictable effect on the financial interests of NC State unless I first obtain a written conflict of interest waiver, or a regulatory exemption permits my participation, including the exemption for employees on leave from institutions of higher learning allowing participation in certain matters of general applicability at 5

C.F.R. § 2640.203(b). This latter exemption allows me to participate in a particular matter of general applicability, such as a rulemaking, so long as it does not have a distinct effect on NC State other than as part of class.

OBLIGATIONS UNDER EXECUTIVE ORDER 13989 (the Ethics Pledge)

My recusal obligations under Section 1, Paragraph 2 of Executive Order 13989 regarding former clients of my consulting firm, the **Energy, Air, and Risk Associates, LLC¹**, to include the **Health Effects Institute, Emisia SA (Greece)**, and the **Hong Kong Environmental Protection Department**, for which I provided personal services, **have now expired**.

OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS

Pursuant to the federal impartiality regulations at 5 C.F.R. § 2635.502(a), I have a “covered relationship” with **NC State** during the period of my leave of absence and for one year thereafter. In addition, upon my confirmation to the position of Assistant Administrator, I resigned from my position as an adjunct professor with the **Hong Kong University of Science and Technology**, but I have still have a “covered relationship” with the university for a one-year period after my resignation which ends on **May 26, 2023**. Therefore, I may not participate in a particular matter involving specific parties in which either of these entities is a party or represents a party during the time periods of my recusal unless I am authorized to participate by OGC/Ethics after considering the factors set forth in the regulation at 5 C.F.R. § 2635.502(d).

DIRECTIVE AND CONCLUSION

To avoid participating in the matters outlined above from which I am recused, please direct them to the attention of **Maureen Gwinn**, the principal deputy assistant administrator, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics. I will also consult with them to revise my recusal statement if my circumstances change and I will provide a copy to you.

cc: Maureen Gwinn, Principal Deputy Assistant Administrator
Chris Robbins, Deputy Assistant Administrator
Bruce Rodan, Associate Director for Science
John Steenbock, Office of Resource Management
Elizabeth Blackburn, Chief of Staff
Tia Groves, acting Associate Chief of Staff
Justina Fugh, Director, Ethics Office
Ferne Mosley, Attorney-Advisor, Ethics Office

¹ During my tenure at EPA, I will not accept consulting work for my sole proprietorship or through Energy, Air, and Risk Associates, LLC of which I am the sole member.